

United States Court of Appeals For the First Circuit

No. 16-2461

GINA,

Plaintiff, Appellant,

v.

CITY OF AUGUSTA, MAINE; WILLIAM R. STOKES, in his individual and official capacities as Chief Deputy Attorney General for State of Maine, as Mayor for City of Augusta and as a government agent for State of Maine Judicial Branch; WILLIAM BRIDGEON, in his individual and official capacities as Manager for City of Augusta, and as a government agent for State of Maine Judicial Branch; MATT NAZAR, in his individual and official capacities as Director of Development Services for City of Augusta and as a government agent for State of Maine Judicial Branch; GREGORY ROY, in his individual and official capacities as the owner and landlord for 32 Court Street, and as a government agent for City of Augusta, City of Augusta Police Department, and the State of Maine Judicial Branch; CITY OF AUGUSTA POLICE DEPARTMENT; ALL POLICE OFFICERS FOR THE CITY OF AUGUSTA, in their individual and official capacities as government agents for the City of Augusta and the State of Maine Judicial Branch; MATTHEW POULIOT, in his individual and official capacities as a Representative for Maine, as Vice Chair of the City of Augusta Planning Board, and as a government agent for State of Maine Judicial Branch; ROYCE WATSON, in his individual capacity as owner and landlord for 239 Cony Street, and his official capacity as a government agent for City of Augusta and the State of Maine Judicial Branch,

Defendants, Appellees.

Before

Howard, Chief Judge,
Thompson and Kayatta, Circuit Judges.

JUDGMENT

Entered: May 8, 2017

Pro se plaintiff-appellant GinA seeks to proceed in forma pauperis ("IFP") in this appeal. The district court certified that the appeal was not taken in good faith. See 28 U.S.C. § 1915(a)(3). By order entered December 19, 2016, appellant was instructed either to pay the filing fee or to file an IFP motion pursuant to Fed. R. App. P. 24(a)(5). We construe appellant's "response" filed

December 18, 2016, and her IFP motion filed December 21, 2016, as a motion pursuant to Fed. R. App. P. 24(a)(5). We have considered the matter as a whole and the specific issues identified by appellant in her February 2, 2017, filing as issues she wished to continue pursuing on appeal, and we agree with the district court's determination that good faith is lacking. Because appellant has failed to identify any non-frivolous argument on appeal, we deny her IFP motion. See Lee v. Clinton, 209 F.3d 1025, 1026-27 (7th Cir. 2000) (defining "not taken in good faith" under § 1915(a)(3) to mean an appeal that is frivolous).

We further conclude that appellant need not be given additional time to pay the filing fee because, after careful review of relevant portions of the record, we conclude that the appeal does not present a "substantial question," see 1st Cir. L.R. 27.0(c), and that, for substantially the reasons set out by the district court, dismissal was in order, see Johnson v. Rodriguez, 943 F.2d 104, 107 (1st Cir. 1991) (standard of review and general principles). The judgment of the district court is summarily affirmed.

By the Court:

/s/ Margaret Carter, Clerk

cc:
Gina Turcotte
Janet T. Mills